

IN RE:

NOON, DARRELL A & NOON, ANNETTE C

Debtor(s)

Case No. **14-42404**

Chapter **13**

MODIFIED CHAPTER 13 PLAN

Dated: **July 31, 2014** .

1. DEBTOR'S PAYMENTS TO TRUSTEE –

- a. As of the date of this plan, the debtor has paid the trustee \$ **450.00** .
- b. After the date of this plan, the debtor will pay the trustee \$ **450.00** per month for **59** months, beginning within 30 days after the relief for a total of \$ **26,550.00**. The minimum plan length is [] 36 or [X] 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee: n/a
- d. The debtor will pay the trustee a total of \$ **27,000.00** [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE – The trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ **2,700.00** , [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] – The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

<i>Creditor</i>	<i>Monthly Payment</i>	<i>Number of Months</i>	<i>TOTAL PAYMENTS</i>
None			
TOTAL			0.00

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] – The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

<i>Creditor</i>	<i>Description of Property</i>
None	

5. CLAIMS NOT IN DEFAULT – Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

<i>Creditor</i>	<i>Description of Claim</i>
NONE	

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] – The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
None					
TOTAL					0.00

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] – The trustee will cure defaults on the following claims as set forth below. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate .

<i>Creditor</i>	<i>Amount of Default</i>	<i>Int. rate (if any)</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
INTERNAL REVENUE SERVICE	6,292.00	3.00	217.96	10	30	6,538.80
TOTAL						6,538.80

8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)] – The trustee will pay, on account of the following allowed secured claims, the amount set forth in the “Total Payments” column, below. The creditors will retain liens securing the allowed secured claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beginning in Month #	Monthly Payment	Number of Payments	Payments on Account of Claim	Adequate Protection from ¶ 3	TOTAL PAYMENTS
None									
TOTAL									0.00

9. PRIORITY CLAIMS – The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimate Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
DEPARTMENT OF REVENUE	739.65	75.00	1	10	739.65
James P. Agosto	3,300.00	375.00	1	9	3,300.00
TOTAL					4,039.65

10. SEPARATE CLASSES OF UNSECURED CREDITORS – In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows:

The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Int. Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
None						
TOTAL						0.00

11. TIMELY FILED UNSECURED CREDITORS – The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$**13,721.55** [line 1(d) minus lines 2, 6(d), 7(d), 8(d), 9(f), and 10(c)].

- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ **49,500.00**.
- The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ **207,832.18**.
- Total estimated unsecured claims are \$ **257,332.18** [line 11(a) + line 11(b)].

12. TARDILY-FILED UNSECURED CREDITORS – All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10, or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. OTHER PROVISIONS – The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion.

The debtors shall send the Trustee each year during the Chapter 13 Plan copies of their federal and state income tax returns at the time they are filed. The debtors shall also promptly report to the Trustee the receipt of any federal and state tax refunds for the duration of this Chapter 13 case and shall be entitled to retain the first \$2,000 plus any earned income credit (EIC). Any remaining amounts shall be turned over to the Chapter 13 Trustee as additional Plan Payments.

The debtors will file as and when due any and all post-petition federal income tax returns and will timely pay any post-petition federal income taxes. Should the debtors default on the timely filing of returns, and/or payment of federal income tax, the IRS will be entitled to an ex-parte order for dismissal of this case without notice or hearing on the filing of an affidavit with the Court that attests to such default and also that the Internal Revenue Service has mailed a letter by first class mail to debtors and debtors' counsel that gave notice of said default and a 30-day period to cure and that such a cure had not been performed.

14. SUMMARY OF PAYMENTS

Trustee's Fee [Line 2]	\$	2,700.00
Home Mortgage Defaults [Line 6(d)]	\$	0.00
Claims in Default [Line 8(d)]	\$	6,538.80
Other Secured Claims [Line 8(d)]	\$	0.00
Priority Claims [Line 9(f)]	\$	4,039.65

Separate Classes [Line 10(c)]	\$	0.00
Unsecured Creditors [Line 11]	\$	13,721.55
TOTAL [must equal Line 1(d)]	\$	27,000.00

James P. Agosto 0000632
James P. Agosto
142 W. Broadway P.O. Box 896
Monticello, MN 55362-0896

Signed: /s/ DARRELL A NOON

DEBTOR

Signed: /s/ ANNETTE C NOON

DEBTOR (if joint case)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

NOON, DARRELL A.
NOON, ANNETTE C.

NOTICE OF MODIFIED
CHAPTER 13 PLAN
PRE-CONFIRMATION

Debtors

Chapter 13 Case No. 14-42404

PLEASE TAKE NOTICE of the attached Modified Chapter 13 Plan, Pre-Confirmation.

The Hearing on Confirmation of Plan will be:

Date: August 21, 2014

Time: 10 a.m.

Location: Courtroom 8 West (Minneapolis)
U S BANKRUPTCY COURT
U S COURTHOUSE
COURTROOM 8 WEST
300 S 4TH ST
MINNEAPOLIS, MN 55415

Dated: August 1, 2014

/e/ James P. Agosto

James P. Agosto, Attorney ID No. 0000632
Attorney for Debtor
142 W. Broadway, P.O. Box 896
Monticello, MN 55362
763-295-4004

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
UNSWORN CERTIFICATE OF SERVICE

In re:

NOON, DARRELL A.
NOON, ANNETTE C.

Chapter 13 Case No. 14-42404

Debtors

I, James P. Agosto, declare under penalty of perjury that on August 1, 2014, I forwarded copies of the attached Notice of Modified Chapter 13 Plan, Pre-confirmation and Modified Chapter 13 Plan by first class mail, postage prepaid, or electronically, to each entity and at the address stated for each entity listed below.

DARRELL & ANNETTE NOON
23033 174TH STREET NW
BIG LAKE, MN 55309

UNITED STATES ATTORNEY
600 US COURTHOUSE, 300 S 4TH ST
MINNEAPOLIS, MN 55415

ADVANCED COLLECTION
PO BOX 353
CAMBRIDGE, MN 55008-0353

CT INC SERVICES
PO BOX 47095
PLYMOUTH, MN 55447-0095

COLLECTION RESOURCES
PO BOX 2270
ST CLOUD, MN 56302-2270

COLLTECH INC
15600 35TH AVE N #201
PLYMOUTH, MN 55447-1380

COMO LAW FIRM
PO BOX 130668
ST PAUL, MN 55113-0006

DIVERSIFIED ADJUSTMENT SERVICE INC
PO BOX 32145
FRIDLEY, MN 55432-0145

DIVERSIFIED CONSULTANTS INC
PO BOX 551268
JACKSONVILLE, FL 32255-1268

DR PATRICK BARNES
646 EAST RIVER ROAD STE 2
ANOKA, MN 55303-1891

DYNAMIC RECOVERY SOLUTIONS
PO BOX 25759
GREENVILLE, SC 29616-0759

EAR NOSE & THROAT SPECIALTY CARE
2211 PARK AVENUE SOUTH
MINNEAPOLIS, MN 55404-3711

EMERGENCY PHYSICIANS PA
5435 FELTL ROAD
MINNETONKA, MN 55343-7983

FAIRVIEW HEALTH SERVICES
PO BOX 9372
MINNEAPOLIS, MN 55440-9372

FEDERAL NATIONAL MORTGAGE
3900 WISCONSIN AVE NW DRAWER LR
WASHINGTON, DC 20016-2806

GREAT LAKES HIGHER EDUCATION
2401 INTERNATIONAL LANE
MADISON, WI 53704-3192

GURSTEL CHARGO
6681 COUNTRY CLUB DRIVE
GOLDEN VALLEY, MN 55427-4601

HEALTH PARTNERS MEDICAL GROUP
PO BOX 77026
MINNEAPOLIS, MN 55480-7726

JC CHRISTENSON & ASSOC INC
PO BOX 519
SAUK RAPIDS, MN 56379-0519

LAKELAND HEALTH SERVICES
10600 OLD CO RD 15 STE 140
PLYMOUTH, MN 55441-6201

MALACO LAW OFFICE
PO BOX 135
COTTAGE GROVE, MN 55016-0135

MESSERLI & KRAMER
3033 CAMPUS DRIVE STE 250
PLYMOUTH, MN 55441-2662

METRO ANESTHESIA NETWORK LLP
PO BOX 47159
PLYMOUTH, MN 55447-0159

MN GASTROENTEROLOGY
PO BOX 14909
MINNEAPOLIS, MN 55414-0909

MOHELA
633 SPIRIT DRIVE
CHESTERFIELD, MO 63005-1243

NCO FINANCIAL SYSTEMS INC
PO BOX 61247
VIRGINIA BEACH, VA 23466-1247

NOVA CARE REHABILITATION
400 TECHNOLOGY DRIVE STE 240
CANONSBURGH, PA 15317-9575

PARK NICOLLET
3800 PARK NICOLLET BLVD
ST LOUIS PARK, MN 55416-2699

PARKWAY GASTROENTEROLOGY
3366 OAKDALE AVENUE
ROBBINSDALE, MN 55422

PHOENIX MANAGEMENT SYSTEMS
PO BOX 3972
MINNEAPOLIS, MN 55403-0972

RELIANCE RECOVERIES
6160 SUMMIT DRIVE STE 420
BROOKLYN CENTER, MN 55430

THE ROSE LAW FIRM PLLC
PO BOX 5560
HOPKINS, MN 55343-0492

TWIN CITIES ORTHOPEDICS
PO BOX 9188
MINNEAPOLIS, MN 55480-9188

WINDSTREAM COMMUNICATIONS
1720 GALLERIA BLVD
CHARLOTTE, NC 28270-2408

Dated: August 1, 2014

/e/ James P. Agosto
James P. Agosto, Attorney ID No. 0000632
Attorney for Debtor
142 W. Broadway, P.O. Box 896
Monticello, MN 55362
763-295-4004

IN RE:

SIGNATURE DECLARATION

NOON, DARRELL A & NOON, ANNETTE C
Debtor(s)

Case No. 14-42404

- ☐ PETITION, SCHEDULES & STATEMENTS
☐ CHAPTER 13 PLAN
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
☒ MODIFIED CHAPTER 13 PLAN
☒ OTHER (Please describe:) Notice to Approve Chapter 13 Modified Plan Pre-confirmation

I [We], the undersigned debtor(s) or authorized representative of the debtor, **make the following declarations under penalty of perjury:**

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- **[individual debtors only]** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: 7-31-14

X *Darrell A Noon*
Signature of Debtor or Authorized Representative

NOON, DARRELL A
Printed Name of Debtor or Authorized Representative

X *Annette C Noon*
Signature of Joint Debtor

NOON, ANNETTE C
Printed Name of Joint Debtor